

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** August 11, 2020

**CASE NO(S):** PL190056

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Lakewood Beach Community Council
Subject:	By-law No. 19-014
Municipality:	City of Hamilton
LPAT Case No.:	PL190056
LPAT File No.:	PL190056
LPAT Case Name:	Lakewood Beach Community Council v. Hamilton (City)

**Heard:** July 3, 2020 by Telephone Conference Call

**APPEARANCES:**

**Parties**

**Counsel\*Representative**

Lakewood Beach Community Council

Vivian Saunders

City of Hamilton

Patrick MacDonald\*

Silvestri Homes Inc.

Scott Snider\* and Anna Toumanians\*

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON  
JULY 3, 2020 AND ORDER OF THE TRIBUNAL**

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[1] The matter before the Tribunal is an appeal filed by Lakewood Beach Community Council (the “Appellant”) from a decision of the City of Hamilton (the “City”) that approved a Zoning By-law Amendment (“ZBA”) in respect of the lands at 560 Grays Road (the “Subject Property”). Silvestri Homes (the “Applicant”) is proposing to develop the Subject Lands with a six storey multiple unit residential building in accordance with the ZBA.

[2] This hearing is a Case Management Conference (“CMC”) conducted pursuant to s. 33(1) of the LPAT Act in respect of this matter. The purpose of the CMC is to review the Procedural Order and Issues List for consideration of this matter in light of changes that occurred in the regulatory framework under Bill 108 since the previous CMC held on November 8, 2019.

[3] On November 15, 2019, Ontario Regulation 382/19 (“O. Reg. 382/19”) of the *Local Planning Appeal Tribunal Act, 2017* (the “LPAT Act”) came into effect amending Ontario Regulation 303/19 (“O. Reg. 303/19”). O. Reg. 303/19 prescribes the transition of *Planning Act* (the “Act”) appeals from the former Bill 139 (the Act as it read on September 2, 2019) framework to the current Bill 108 (the Act as it read on September 3, 2019) framework.

[4] O. Reg. 382/19 has the effect of returning this matter to the hearing format prescribed by Bill 139. Under the amending regulation, where a municipality approved a ZBA in response to an application, and the ZBA is appealed by a third party individual, and if a hearing of the merits of the appeal was not scheduled by the Tribunal before November 15, 2019, the provisions of the LPAT Act continue to apply as it read on September 2, 2019 (i.e. before Bill 108 took effect).

[5] The Tribunal’s Order issued December 2, 2019 set a hearing date for the consideration of the merits of the appeal to commence on May 5, 2020. The Order constitutes the notice of the hearing which has the effect of scheduling the hearing as

referenced in O. Reg. 382/19. Consequently, as established by O. Reg. 382/19, this matter must proceed under the hearing process established by Bill 139.

[6] On January 20, 2020, the Tribunal notified the Parties and confirmed that pursuant to O. Reg. 382/19, the appeal would be processed following Part II of the Tribunal's *Rules of Practice and Procedure* ("the Rules").

[7] The applicable appeal provisions of the Act were not changed by the amending Regulation and therefore this appeal continues to be subject to the provisions of the Act as it read after September 3, 2019 (i.e., after Bill 108 took effect). In summary, for this matter the LPAT Act hearing format is under Bill 139 and the *Planning Act* appeal is under Bill 108.

[8] On March 20, 2020, Ontario Regulation 73/20 was passed by the Government of Ontario under the *Emergency Management and Civil Protection Act*, (the "Emergency Order") which had the effect of adjourning the hearing scheduled to commence on May 5, 2020.

### **CASE MANAGEMENT CONFERENCE**

[9] Mr. Snider provided a brief summary of the Appeal explaining that the matter is convoluted as the Appeal was filed as a Bill 139 appeal prior to the passing of Bill 108 and the transition regulations. Bill 108 and the transition regulations impacted the Appeal and the previous CMCs as the new legislation was evolving as the Appeal was moving through the process. Ultimately, the Tribunal, in consideration of O. Reg. 382/19, advised that the matter will be considered as a Bill 139 Appeal to be decided under the practices and procedures in the LPAT Act as it read before September 3, 2019.

[10] The matter was scheduled for a hearing of the merits to commence on May 5, 2020, pursuant to the Tribunal's Order issued December 2, 2019, which set out a PO

and Issues List. The Issues List was prepared in consideration of the Bill 108 provisions. The Emergency Order had the effect of adjourning the scheduled hearing.

[11] Mr. Snider explained that, notwithstanding that there have been two previous CMCs conducted in respect to the Appeal and the matter was scheduled for a hearing, this is the first CMC conducted with the Bill 139 provisions applying to the proceedings.

[12] Mr. Snider advised the Tribunal that at the CMC held on September 11, 2019 his client was granted Party Status in these proceedings. He explained that at the time the Parties were proceeding on the premise that the Appeal would be considered as a Bill 108 Appeal. In light of the passing of O. Reg. 382/19 and the determination by the Tribunal that this matter is now a Bill 139 appeal, Mr. Snider requested that the Applicant be granted Party status under the Bill 139 provisions. He explained that the Applicant is the owner of the Subject Lands and filed the application to amend the City Zoning By-law in respect to the Subject Lands. The Applicant made oral submissions before City Council prior to the passing of the by-law that approved the ZBA. Mr. Snider submitted that there are reasonable grounds to add the Applicant as a Party in this matter.

[13] Ms. Saunders objected to adding the Applicant as a Party to the proceedings. Ms. Saunders directed the Tribunal to s. 40.(1) and s. 40.(2) of the LPAT Act which requires that a person other than the Appellant, or the Municipality or Approval Authority whose decision is being appealed wishes to participate in an appeal initiated under s. 34(19) of the Act must make a written submission to the Tribunal at least 30 days before the date of the CMC. Ms. Saunders submitted that the Tribunal received the Applicant's written request to be added as a Party on August 15, 2019. The request was submitted less than 30 days in advance of the first CMC which occurred on September 11, 2019. Ms. Saunders stated that the LPAT Act is clear that the request is to be made at least 30 days in advance of the CMC and therefore the Applicant cannot be granted Party Status in these proceedings.

[14] Ms. Saunders referred the Tribunal to recent Tribunal Orders where the Tribunal denied party status on the grounds that the request did not comply with the timeframe set out in the LPAT Act.

[15] Mr. Snider, in response to the objection, stated that the 30 days that Ms. Saunders was referencing were in respect to a Bill 108 CMC and the 30 day timeframe provision did not apply at the time. Mr. Snider confirmed that he did file a written request with the Tribunal on August 15, 2019. Mr. Snider reiterated that this current proceeding is the first CMC conducted under the Bill 139 provisions and his request for party status was filed almost one year in advance of the CMC and as such the Applicant meets the timeframe requirement.

[16] Mr. MacDonald advised the Tribunal that he has no objections to the Applicant being granted status as a Party to the proceedings.

[17] Ms. Saunders, in response to the Tribunal's question, confirmed that her only objection to granting the Applicant party status related to the compliance with the prescribed timeframe set out in the LPAT Act.

[18] The Tribunal, in consideration of the Applicant's submission and having reviewed s. 34(24.1) and s. 34(24.2) of the Act and s. 40 of the LPAT Act, is satisfied that the Applicant meets the requirements of Party Status. Further, the Tribunal finds that the Applicant's presence is necessary to enable the Tribunal to adjudicate effectively and completely the issues in the proceeding.

[19] The Tribunal noted that the Applicant was granted status as a Party to these proceedings prior to the passing of O. Reg. 382/19. The Tribunal is not aware of any provisions that would revoke that status. In light of the request from the Applicant, the Tribunal confirms the Applicant's status as a Party in these proceedings.

[20] Mr. Snider addressed s. 26.20 of the Rules which sets out the matters to be addressed in a CMC for a Bill 139 process. He requested that an Oral Hearing be scheduled for the consideration of this matter. He noted that submissions would be restricted to 75 minutes as per the Ontario Regulation 102/18 and no witnesses would be called. The Enhanced Municipal Record would be relied upon for the hearing and the Tribunal will be required to determine whether and which witnesses will be required to attend.

[21] Ms. Saunders advised that she consents to an oral hearing with no witnesses to be called. She also indicated that the documents provided by the Applicant and the City, in response to the Tribunal's Order issued December 2, 2019, not be relied upon.

[22] Mr. MacDonald advised that he consents to the oral hearing.

[23] Mr. Snider requested that the Issues List be reviewed with the focus on those matters for consideration under Bill 139. It was noted that since the Appeal has been filed that there is a new version of Growth Plan for the Greater Golden Horseshoe (2019) (the "2019 Growth Plan") and an updated Provincial Policy Statement (the "2020 PPS"). Mr. Snider advised the Tribunal that the Witness Statement of Angela Buonamici, a Land Use Planner engaged on behalf of the Applicant, dated March 6, 2020 provided a planning opinion in respect to the 2019 Growth Plan implications as they apply to this matter. An addendum to the Witness Statement of Ms. Buonamici dated April 13, 2020 was filed to address the changes resulting from the 2020 PPS and how they apply to this matter.

[24] With respect to the Issues List, the Tribunal referred to the Order issued December 2, 2019 which included an Issues List. These issues were reviewed and confirmed, revised, or amended as follows:

**ISSUE 1**

[25] Is the zoning by-law amendment consistent with the Provincial Policy Statement's directives, limitations and/or prohibitions set out in the section below?

**Principle**

- 1.1.1, 1.1.2, 1.1.3.2 a), 1.1.3.3, 1.1.3.5, 1.1.3.7
- 1.2.4 d), 1.2.5
- 1.3.1 d), 1.3.2.3
- 1.4.3 b) c) d)
- 1.6.1, 1.6.6.7, 1.6.7.2, 1.6.7.5, 1.6.8.1, 1.6.8.2, 1.6.8.3
- 1.8.1 b) e)
- 2.1.1
- 2.2.1 g) h)
- 3.0
- 3.1.1 a), 3.1.2 a) b) c) d), 3.1.3
- 4.8
- 4.9

[26] In respect to Issue 1 the Parties agreed that this issue is still appropriate and relevant for the Tribunal's consideration. It was noted, and the parties consented, that any changes in numbering or revisions in wording resulting from the PPS 2020 will need to be incorporated accordingly.

**ISSUE 2**

[27] Does the zoning by-law amendment sufficiently give full consideration to the applicable policies of the Growth Plan and should the decision by the Tribunal consider their importance in assessing conformity with the following policies? In particular the following policies:

Vision

1.2.1 Guiding Principles

1.2.2 Legislative Authority

2.1 Where and How to Grow: Context

2.2.1 Managing Growth

[28] The Parties agree that Issue 2 is still appropriate and relevant for the Tribunal's consideration. As stated in reference to Issue 1, it was noted, and the parties consented, that any changes in numbering or revisions in wording resulting from the Growth Plan 2019 will need to be incorporated accordingly.

### **ISSUE 3**

[29] Should the Tribunal consider the attributes of the subject lands and the immediate area when assessing conformity/non-conformity with the policies of the Urban Hamilton Official Plan? In particular, but not limited to, the following:

lack of public transit

lack of safe alternative modes of transportation

lack of accessibility

increase of vehicle traffic to an already congested, unsafe and inferior network

lack of supporting land uses to serve the local residents

lack of supporting local infrastructure/amenities.

[30] Mr. Snider noted that the issue does not specifically speak to consistency with a policy statement or conformity with a provincial plan. The issue is specific to the conformity with the policies of the Urban Hamilton Official Plan ("UHOP").

[31] The Parties consented to this issue remaining on the Issues List.



[32] The Tribunal in consideration of the issue directs that a neutral premise is required for the issue and revises the issue as follows:

[33] Should the Tribunal consider the attributes of the subject lands and the immediate area when assessing conformity/non-conformity with the policies of the Urban Hamilton Official Plan? In particular, but not limited to, the following:

- a. sufficiency of public transit
- b. adequacy of safe alternative modes of transportation
- c. accessibility
- d. increase of vehicle traffic to the existing transportation network
- e. adequacy of supporting land uses to serve the local residents
- f. sufficiency of local infrastructure and amenities.

#### **ISSUE 4**

[34] Does a balanced evaluation of the Urban Hamilton Official Plan support the zoning by-law amendment? In particular the following policies:

(Urban Land Use) E.3.2.1, E.3.2.3,  
 (Scale)E.3.6.6;  
 (High Density Residential) E.3.6.4; E.3.6.5; E.3.6.7;  
 (Residential Intensification) E.3.2.4; B.2.4.1.4 (a) (b) (d) (e) (f) (g); B.2.4.2.2 (a) (b) (c) (d) (e) (f) (g) (h) (i) (j);  
 (Design) B.3.3.2.3 (a) (b) (f) (g); B.3.3.2.6 (e);B.3.3.3.2 (a) (b) (c);  
 (Servicing – Stormwater) C.5.4; F.3.1.5.1  
 (Watershed and Sub-Watershed Plans & Environmental Impact Statements):  
 F.3.1.6 (a) (b) (c) (d); F.3.1.6.2; F.3.2.1.2;  
 (Municipal Land) F.4.2; F.4.2.1; F.4.2.2; F.1.19.1; F.1.18.1 (iii)(v) (viii)  
 (Land Use Compatibility) F.1.19; (Parkland) F.1.18.1  
 (Community Benefits) F.1.9; F.1.9.1; F.1.9.2;

(Transportation) F.3.1.8.1; F.3.1.8.5;  
(Secondary Plans & Neighbourhood Plans) F.1.2.7; F.1.2.8; F.1.1.3;F.1.1.4 (a)  
(b)  
(Public Consultation Strategy) 3.2.10.1;  
(Air Quality) F.3.4.5.1; (Zoning By-Law) F.1.5;  
(Overall Intensification Targets for the City) A 2.3.3.4

[35] This issue also speaks to UHOP conformity and the Parties consented to this issue remaining on the Issues List.

## **ISSUE 5**

[36] Does the proposed zoning by-law amendment (RM3-58 with further modifications) sufficiently regulate matters of parking requirements, noise, accessibility, safety as well as built form including height, density and setbacks?

[37] Mr. Snider submitted that this issue does not belong on the Issues List as it is not a matter that is referenced to the UHOP, the Growth Plan 2019 or the PPS 2020.

[38] Ms. Saunders questioned if conformity to the parent Zoning By-law is a relevant consideration?

[39] The Tribunal offered that the issues contained in Issue 5 are covered by the Issues incorporated in the policies cited from the UHOP contained in Issue 4 and that as a result these matters have been sufficiently captured.

[40] The Parties consented to the elimination of Issue 5.

**ISSUE 6**

[41] Did the Transportation Impact Study and Transportation Demand Management Report submitted in support of the application contain inaccurate or insufficient data such that their conclusions should not be accepted by the Tribunal?

[42] As outlined in respect to Issue 5, Mr. Snider submitted that this issue does not belong on the Issues List as it is not a matter that is referenced to the UHOP, the Growth Plan 2019 or the PPS 2020.

[43] Ms. Saunders recognized that these issues can be addressed through the UHOP and the Growth Plan 2019.

[44] The Parties consented to the elimination of Issue 6.

**ISSUE 7**

[45] Did the public process before City Council in this matter properly follow Planning Act requirements?

[46] Mr. Snider submitted that the City process in relation to this application is not a matter for adjudication of the Tribunal and requested that this issue be eliminated.

[47] Mr. MacDonald expressed concern with the broad scope of the issue. He indicated that without knowing what the specific concerns are in respect to the process, it would be necessary to prepare a very fulsome review of the City process to respond to the Tribunal. This will require considerable time and resources and he requested that issue be narrowed so that he can efficiently and effectively respond to the matter.

[48] Ms. Saunders indicated that she can address the matter in the context of the UHOP policies surrounding Public Consultation Strategy.

[49] Mr. MacDonald noted that these policies relate to the actions of the Applicant and not the City.

[50] The Parties consented to the elimination of Issue 7.

### **ISSUE 8**

[51] In the event that the Tribunal allows the appeal in whole or in part, should a “H” symbol or holding provision be incorporated into the zoning for the subject land and if so, what conditions should be included in such a holding provision?

[52] Mr. Snider again, as set out previously, submitted that this issue does not belong on the Issues List as it is not a matter that is referenced to the UHOP, the Growth Plan 2019 or the PPS 2020.

[53] Ms. Saunders indicated that she can address the matter in the context of the UHOP policies relating to Servicing - Storm Water.

[54] The Parties consented to the elimination of Issue 8.

### **ISSUE 9**

[55] Should a Decision by the Tribunal for a change in land-use have regard for a zoning by-law amendment that will exacerbate identifiable issues under the Provincial Policy Statements, Growth Plan and/or Urban Hamilton Official Plan?

[56] In respect to Issue 9, the Parties agreed that this issue is appropriate and relevant for the Tribunal's consideration. It was noted that reference to the Provincial Policy Statements would refer to the PPS 2020, reference to the Growth Plan would refer to the Growth Plan 2019.

[57] The Tribunal in consideration of the issue directs that a neutral premise is required for the issue and revises the issue as follows:

[58] Will the zoning by-law amendment exacerbate identifiable issues under the Provincial Policy Statements, Growth Plan and/or Urban Hamilton Official Plan?

[59] Mr. Snider explained that the Applicant and the City have provided disclosure of their cases with the filing of affidavits from experts and documents in accordance with the previous Procedural Order. He has provided a outline of the evidence that he intends to rely upon for his submissions before the Tribunal. There has been limited disclosure from the Appellant beyond their Appeal Record and Case Synopsis and Mr. Snider requested the Tribunal provide direction for disclosure from the Appellant in respect to their submission before the Tribunal. Mr. Snider requested that, in accordance with Rule 26.20(f) of the Rules which provides for the disclosure of information and Rule 26.20(j) which provides for establishing the format of the hearing and the exchange of documentation, the Appellant be requested that the Tribunal set dates for the such disclosure.

[60] The Tribunal confirmed with Ms. Saunders that she did not provide disclosure as set out in the PO attached to the Tribunal's Order. Ms. Saunders advised that as a result of the changes to the legislation she understood that only the materials previously filed would be relied upon by the Tribunal and that no new evidence would be permitted.

[61] After discussion with the Parties, it was agreed that Parties would provide their case outline (argument) in writing in accordance with the following time lines:

- 1) The Appellant will provide their written submission to the Parties and the Tribunal not less than 45 days prior to the date of the hearing, and
- 2) The Applicant and the City will provide their written submission in response to the Parties and the Tribunal not less than 30 days prior to the date hearing.

[62] In light of the Emergency Order, the Tribunal canvassed the Parties to determine if they are willing to participate in a video hearing and received their consent should the Tribunal schedule such an event.

## **DECISION**

[63] The Tribunal, in consideration of the LPAT Act as it read on September 2, 2019 and Rule 26.20 as it applies to the proceedings, has:

- identified the Parties in the appeal,
- identified the issues of the Appellant to be considered,
- provided for disclosure of information among the parties,
- provided for the attendance of persons at the hearing for examination,
- acknowledged that there is not an opportunity for a settlement or for mediation,
- provided for the fixing of a date and time for an oral hearing, and
- determined that there are no issues of confidentiality.

[64] The Tribunal, in consideration of the submissions, is satisfied that the Applicant meets the applicable legislative tests and confirmed Silvestri Homes as a Party to these proceedings. The Tribunal finds that the presence of the Applicant is necessary to enable the Tribunal to adjudicate effectively and completely on the issues in the proceeding.

[65] The Tribunal will fix a date for the oral hearing as soon as scheduling permits and consideration will be given to possible scheduling of a video hearing.

[66] Upon further review of this matter after the conclusion of the CMC, the Tribunal in consideration of Bill 139, Bill 108, O. Reg. 303/19 and O. Reg. 382/19 determined that the materials to be relied upon by the Parties at the hearing are those materials which were filed by the Appellant and the City as required in Part II of the Rules. In this matter

those materials included: the Enhanced Municipal Record, the Appeal Record, the Appellant's Case Synopsis, and the Responding Case Synopsis. The Tribunal confirms that the evidence material to be considered at the hearing will not include the disclosure provided by the Applicant and the City in response to the Tribunal's Order issued December 2, 2019.

[67] The Tribunal finds that the result of O. Reg. 382/19 determined the manner in which this matter will be determined and as such the filing of witness statements is not provided for under the Rules.

[68] The Tribunal acknowledges that the materials filed as required by Part II of the Rules referred to in the preceding paragraph 66 were filed prior to the implementation of the 2019 Growth Plan and the 2020 PPS.

[69] The Tribunal directs the Applicant to provide an Affidavit from a qualified land use planner which addresses the changes resulting from the 2019 Growth Plan and the 2020 PPS as it impacts the ZBA. The Affidavit shall be provided to the Parties and the Tribunal not less than 60 days prior to the hearing.

[70] The Appellant may file a Response in the form of an Affidavit from a qualified planner in response to the applicant's submission addressing only matters relating to the changes resulting from the 2019 Growth Plan and the 2020 PPS as it impacts the ZBA. Should the Appellant choose to file an Affidavit, the Affidavit shall be provided to the Parties and the Tribunal not less than 45 days prior to the hearing.

[71] The Tribunal requires that the Affiant(s) are available to attend the hearing unless otherwise notified by the Tribunal.

[72] The Parties will provide the written case outline submission as follows:

- 1) The Appellant will provide their written submission to the Parties and the Tribunal not less than 45 days prior to the date of the hearing,
- 2) The Applicant and the City will provide their written submissions to the Parties and the Tribunal not less than 30 days prior to the date hearing, and

[73] The Issues List shall be as follows:

1. Is the zoning by-law amendment consistent with the Provincial Policy Statement's directives, limitations and/or prohibitions set out in the section below?

**Principle**

- 1.1.1, 1.1.2., 1.1.3.2 a), 1.1.3.3, 1.1.3.5, 1.1.3.7
  - 1.2.4 d), 1.2.5
  - 1.3.1 d), 1.3.2.3
  - 1.4.3 b) c) d)
  - 1.6.1, 1.6.6.7, 1.6.7.2, 1.6.7.5, 1.6.8.1, 1.6.8.2, 1.6.8.3
  - 1.8.1 b) e)
  - 2.1.1
  - 2.2.1 g) h)
  - 3.0
  - 3.1.1 a), 3.1.2 a) b) c) d), 3.1.3
  - 4.8
  - 4.9
2. Does the zoning by-law amendment sufficiently give full consideration to the applicable policies of the Growth Plan and should the decision by the Tribunal consider their importance in assessing conformity with the following policies? In particular the following policies:



## **Vision**

1.2.1 Guiding Principles

1.2.2 Legislative Authority

2.1 Where and How to Grow: Context

2.2.1 Managing Growth

3. Should the Tribunal consider the attributes of the subject lands and the immediate area when assessing conformity/non-conformity with the policies of the Urban Hamilton Official Plan? In particular, but not limited to, the following:

- a) sufficiency of public transit
- b) adequacy of safe alternative modes of transportation
- c) accessibility
- d) increase of vehicle traffic to the existing transportation network
- e) adequacy of supporting land uses to serve the local residents
- f) sufficiency of local infrastructure and amenities.

4. Does a balanced evaluation of the Urban Hamilton Official Plan support the zoning by-law amendment? In particular the following policies:

(Urban Land Use) E.3.2.1, E.3.2.3,

(Scale)E.3.6.6;

(High Density Residential) E.3.6.4; E.3.6.5; E.3.6.7;

(Residential Intensification) E.3.2.4; B.2.4.1.4 (a) (b) (d) (e) (f) (g); B.2.4.2.2 (a) (b) (c) (d) (e) (f) (g) (h) (i) (j);

(Design) B.3.3.2.3 (a) (b) (f) (g); B.3.3.2.6 (e);B.3.3.3.2 (a) (b) (c);

(Servicing – Stormwater) C.5.4; F.3.1.5.1

(Watershed and Sub-Watershed Plans & Environmental Impact Statements):

F.3.1.6 (a) (b) (c) (d); F.3.1.6.2; F.3.2.1.2;

(Municipal Land) F.4.2; F.4.2.1; F.4.2.2; F.1.19.1; F.1.18.1 (iii)(v) (viii)

- (Land Use Compatibility) F.1.19; (Parkland) F.1.18.1  
(Community Benefits) F.1.9; F.1.9.1; F.1.9.2;  
(Transportation) F.3.1.8.1; F.3.1.8.5;  
(Secondary Plans & Neighbourhood Plans) F.1.2.7; F.1.2.8; F.1.1.3;F.1.1.4  
(a) (b)  
(Public Consultation Strategy) 3.2.10.1;  
(Air Quality) F.3.4.5.1; (Zoning By-Law) F.1.5;  
(Overall Intensification Targets for the City) A 2.3.3.4
5. Will the zoning by-law amendment exacerbate identifiable issues under the Provincial Policy Statements, Growth Plan and/or Urban Hamilton Official Plan?

[74] The Member may be spoken to should there be any issues arising from the implementation of this Order or the directions provided herein.

[75] This is the Order of the Tribunal.

*“David Brown”*

DAVID BROWN  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

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